

The opinion in support of the decision being entered today is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* RAY F. BARNARD, CARL S. BAUMANN,  
PHILIP J. CIRULLI, KERIN J. FLANNERY,  
CARL J. LANUTI, JOHN I. MUNSON,  
and KARL J. RITCH

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Appeal No. 2006-3389  
Application No. 09/444,254  
Technology Center 3600

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Decided: August 15, 2007

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Before MURRIEL E. CRAWFORD, HUBERT C. LORIN, and  
ANTON W. FETTING, *Administrative Patent Judges*.

LORIN, *Administrative Patent Judge*.

DECISION ON APPEAL

## STATEMENT OF THE CASE

This is an appeal from a decision of the Examiner rejecting claims 29-32.<sup>1</sup> 35 U.S.C. § 134 (2002). We have jurisdiction under 35 U.S.C. § 6(b) (2002).

The invention is directed to a process for combining project management and methodologies for implementing solutions that involve information technology and services along with evaluating a client's general procurement (GP) and accounts payable (AP) system. Specification, p. 2, ll. 11-20. The invention can be understood by reading claim 29 (see below).

Claims 29-32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gundewar (US Patent 6,381,610 B1) in view of Oka (US Patent 5,537,591), Examiner's Official Notice, and Microsoft Press Computer Dictionary.

We AFFIRM.

Appellants, in the Appeal Brief<sup>2</sup>, argue the claims separately.

### *Claim 29*

Claim 29 reads as follows:

29. A program storage device readable by a machine, tangibly embodying a program of instructions executable by a machine to perform method steps for coordinating a project for *designing, implementing, and using a general procurement and accounts payable (GP/AP) system* for a customer, said method steps comprising:

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<sup>1</sup> Claim 1-28 and 33-40 have been canceled.

<sup>2</sup> Our decision will make reference to Appellants' Appeal Brief ("Appeal Br.," filed Jan. 23, 2006), the Supplemental Examiner's Answer ("Answer," mailed May 17, 2006), and to the Reply Brief ("Reply Br.," filed Jul. 7, 2006).

creating and maintaining a playbook database, *said playbook database comprising a plurality of templates of information relating to said designing, implementing, and using said GP/AP system*, said plurality of templates being particularized for the customer;

generating a playbook summary view from said playbook database;

displaying said playbook summary view, said playbook summary view comprising a folders and views section, a task title display and selection area, a summary task creation button, and a detailed task creation button, *wherein said folders and views section, said task title display and selection area, said summary task creation button, and said detailed task creation button visually appear together in a single contiguous display area within said playbook summary view*;

    said folders and views section including category buttons relating to categories of tasks associated with said designing, implementing, and using said GP/AP system,

    said task title display and selection area adapted to include buttons for selecting tasks pertinent to said categories of tasks,

        said buttons for selecting tasks identifying said tasks which may be so selected,

        said buttons for selecting tasks identifying said tasks which may be so selected,

        said buttons for selecting tasks adapted to be displayed in said task title display and selection area in response to a selection of a button of the category buttons;

    generating and displaying a summary task template of the plurality of templates for a selected first task of the tasks identified in the task title display and selection area, said summary task template being generated and displayed in response to a selection of the summary task creation button, said summary task template including summary parameters of the selected first task, said generated summary task template being derived from said playbook database; and

    generating and displaying a detailed task template of the plurality of templates for a selected second task of the tasks identified in the task title display and selection area, said detailed task template being generated and displayed in response to a selection of the

detailed task creation button, said detailed task template including detailed parameters of the selected second task, said generated detailed task template being derived from said playbook database. (Emphasis not in original.)

#### A. Issue

Appellants contend that the prior art does not disclose certain limitations to the claimed method as set forth in the preamble of claim 29 and in the creating and displaying steps of claim 29. See italicized subject matter in claim 29 above. The issue is whether Appellants have shown that the Examiner erred in holding that the cited art combination would have rendered the subject matter of claim 29 obvious to one of ordinary skill in the art at the time of the invention on the grounds that the cited prior art does not show these limitations.

#### B. Findings of Fact

The record supports the following findings of fact (FF) by a preponderance of the evidence.

1. The Specification does not give the claimed phrase “single contiguous display area” a meaning other than the customary and ordinary meaning that a person of ordinary skill in the art would give the phrase.
2. One of ordinary skill in the art would construe the claimed phrase “single contiguous display area” to mean a single display screen.
3. The Examiner provided a detailed analysis Gundewar’s disclosure at pp. 5-8 of the Answer. The Examiner found that Gundewar discloses the claimed device except:
  - “the system being used for a GP/AP system”

- “how items are selected in the software which does not explicitly claim “buttons” for selecting tasks or categories”
- “where the folders and views section, task title display and selection area, summary task creation button and the detailed task creation button visually appear together in a single contiguous display area.”

Answer 4. The Examiner relies on Oka, Official Notice, and Microsoft Press Computer Dictionary to show these limitations.

4. The Examiner found that:

“Oka discloses in the “Summary of the Invention” in column 1, that it is known in the art to provide programming instruction to coordinate the design, implementation and use of an accounting system in order to coordinate the design, implementation and use of an accounting system in order to coordinate the development of an accounting system. See details also under the “Description of the Related Art” in column 1.”

Answer 4.

5. The Examiner took

“official notice that selection buttons are notoriously old and well known in the art of computer operating systems (such as used in a Window’s interface) in order to make it easy for a user to select an item from a list.”

Answer 4.

6. The Examiner found that

“Microsoft Press Computer Dictionary discloses that it is known in the art of computer graphical interfaces to provide a windowing environment where the screen is divided into several windows each with its own boundaries and can contain different information to provide users a multitasking interface to view different documents at the same time.”

Answer 5.

### C. Principles of Law

#### *Claim construction*

1. Claims define that which Appellants regard to be their invention. *In re Moore*, 439 F.2d 1232, 1235, 169 USPQ 236, 238 (CCPA 1971).
2. Claims are given the broadest reasonable construction consistent with the Specification. *In re Morris*, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997).
3. “The Patent and Trademark Office (“PTO”) determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction ‘in light of the specification as it would be interpreted by one of ordinary skill in the art.’ *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 [70 USPQ2d 1827, 1830] (Fed. Cir. 2004).” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1316, 75 USPQ2d 1321, 1329 (Fed. Cir. 2005).

#### *Obviousness*

“Section 103 forbids issuance of a patent when ‘the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.’” *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1734, 82 USPQ2d 1385, 1391 (2007). The question of obviousness is resolved on the basis of underlying factual determinations including (1) the scope and content of the prior art, (2) any differences between the claimed subject matter and the prior art, and (3) the level of skill in the art. *Graham*

*v. John Deere Co.*, 383 U.S. 1, 17-18, 148 USPQ 459, 467 (1966). *See also KSR*, 127 S.Ct. at 1734, 82 USPQ2d at 1391 (“While the sequence of these questions might be reordered in any particular case, the [Graham] factors continue to define the inquiry that controls.”) The Court in *Graham* further noted that evidence of secondary considerations “might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.” 383 U.S. at 18, 148 USPQ at 467.

In *KSR*, the Supreme Court emphasized “the need for caution in granting a patent based on the combination of elements found in the prior art,” *id.* at 1739, 82 USPQ2d at 1395, and discussed circumstances in which a patent might be determined to be obvious.

In particular, the Supreme Court emphasized that “the principles laid down in *Graham* reaffirmed the ‘functional approach’ of *Hotchkiss*, 11 How. 248.” *KSR*, 127 S.Ct. at 1739, 82 USPQ2d at 1395 (citing *Graham v. John Deere Co.*, 383 U.S. 1, 12 (1966) (emphasis added)), and reaffirmed principles based on its precedent that “[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *Id.* The Court explained:

When a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill can implement a predictable variation, § 103 likely bars its patentability. For the same reason, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill.

*Id.* at 1740, 82 USPQ2d at 1396. The operative question in this “functional approach” is thus “whether the improvement is more than the predictable use of prior art elements according to their established functions.” *Id.*

The Supreme Court made clear that “[f]ollowing these principles may be more difficult in other cases than it is here because the claimed subject matter may involve more than the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for the improvement.” *Id.* The Court explained, “[o]ften, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.” *Id.* at 1740-41, 82 USPQ2d at 1396. The Court noted that “[t]o facilitate review, this analysis should be made explicit.” *Id.*, citing *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006) (“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness”). However, “the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ.” *Id.*

#### D. Analysis

The patentability of claim 29 under 35 U.S.C. § 103(a) (2002) depends on whether the claimed subject matter is obvious over Gundewar in view of Oka, Examiner's Official Notice, and Microsoft Press Computer Dictionary.

The Examiner found all the elements of the claimed device disclosed in the cited prior art. FF 3-6.

Appellants first argue that the cited prior art “does not teach or suggest the feature ‘wherein said folders and views section, said task title display and selection are, said summary task creation button, and said detailed task creation button visually appear together *in a single contiguous display area* within said playbook summary view.’” Appeal Br. 8. Emphasis original. Specifically, though conceding that “it is well known to display multiple items on a single screen” (Appeal Br. 9), i.e., a divided screen, Appellants contend that the display of multiple items on a single undivided screen is not disclosed in the prior art. Appeal Br. 8-9. The difficulty with this argument is that it presumes that the phrase “a single contiguous display area” means a single undivided screen. However, the Specification does not give the claimed phrase “single contiguous display area” a meaning other than the customary and ordinary meaning that a person of ordinary skill in the art would give the phrase. FF 1. One of ordinary skill in the art would construe the claimed phrase “single contiguous display area” to mean a single display screen. FF 2. A single display screen, as Appellants have conceded, may be divided. The broadest reasonable construction of the claim in light of the Specification as interpreted by one of ordinary skill in

the art encompasses a single divided display screen. Accordingly, the argument that the claim is directed to an “undivided” screen is unpersuasive.

Appellants also argue that the prior art does not disclose showing “said folders and views section, said task title display and selection area, said summary task creation button” at the same time on a divided or undivided screen. Appeal Br. 9-12. However, there appears to be no dispute that such items as folders, views, task titles, and summary task creation buttons are well known. Given that Appellants concede that “it is well known to display multiple items on a single screen” (Appeal Br. 9), without showing unexpected results from the combination, as has not been done here, the combination would have been obvious to one of ordinary skill in the art at the time the invention was made. *KSR* (citing *Graham v. John Deere Co.*, 383 U.S. 1, 12, 148 USPQ 459, 464 (1966) reaffirmed principles based on its precedent that “the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *KSR*, 127 S.Ct. at 1739, 82 USPQ2d at 1395.

Appellants further argue that the prior art does not disclose showing “said folders and views section, said task title display and selection area, said summary task creation button” at the same time on a single display area “within said playbook summary view.” Appeal Br. 12. The Specification explains that the “playbook view” is a view of the database containing the steps and templates for creating project management functions. Spec. pp. 8-9, see also p 12, l. 18 and Fig. 4. However, Fig. 4 shows “Lotus Notes” providing a display of the playbook. The playbook is therefore an arrangement of the items (i.e., steps and templates) on the display as presented by “Lotus Notes,” a well known client-server collaborative

application. There is no dispute that each item of the playbook viewed on the display by way of “Lotus Notes” is well known. Accordingly, the claimed “playbook view” amounts to a combination of well known elements, i.e., using “Lotus Notes” to display known steps and templates. To repeat, *KSR* reaffirmed principles based on its precedent that “the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *KSR*, 127 S.Ct. at 1739, 82 USPQ2d at 1395. No unexpected results have been shown as a result of the claimed combination.

Appellants’ second argument is that the cited prior art “does not teach or suggest the feature: ‘designing, implementing, and using a general *procurement and accounts payable (GP/AP) system.*’” Appeal Br. 13. Emphasis original. Specifically, appellants contend that irrespective of whether the prior art, i.e., Oka, discloses an accounting system generically, as the Examiner has argued (FF 4), “Oka does not disclose anything specifically about a general procurement and accounts payable (GP/AP) system and therefore most certainly does not disclose the feature: ‘designing, implementing, and using a general *procurement and accounts payable (GP/AP) system*’ of claim 29.” Appeal Br. 14-15. The difficulty with this argument is that it does not point to any differences in the elements and structure of the device. It focuses instead on the device’s intended use. Appellants are arguing a distinction between Oka’s accounting system and the claimed “procurement and accounts payable (GP/AP) system” without explaining which elements claimed distinguish it from that which Oka describes. A distinction based on intended use does not by itself amount to a patentable distinction over the prior art device. *In re Schreiber*, 128 F.3d

1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997). Furthermore, we agree with the Examiner that “[i]t is commonly known that general procurement and accounts payable (GO/AP) systems are accounting systems” (Answer 12-13).

Appellants’ third argument is that the cited prior art “does not teach or suggest the feature: “said playbook database comprising a plurality of templates of information relating to said designing, implementing, and *using* said GP/AP system.”” Appeal Br. 15. Emphasis original. Specifically, Appellants argue that “Gundewar’s disclosure is restricted to templates for “planning” aspects of a project. Gundewar does not teach or suggest templates for “using” the system (i.e., the GP/AP system allegedly generated by the project.) All the templates discussed and disclosed by Gundewar relate to project planning, and none of the templates discussed and disclosed by Gundewar related to “using” the system generated by the project.” Appeal Br. 15. We are not persuaded by this argument because, since “using” normally follows “planning,” one of ordinary skill would envision “using” the system that Gundewar plans. “A person of ordinary skill in the art is also a person of ordinary creativity, not an automaton.” *KSR*, 127 S.Ct. at, 82 USPQ2d at 1397.

We have addressed all of Appellants’ arguments and find them unpersuasive as to find fault with the Examiner’s characterization of the scope and content of the cited prior art.

Based on an analysis of the scope and content of the cited prior art, we find each element claimed is disclosed and performs as one of ordinary skill in the art would expect it to perform from reading the cited prior art. Each performs a known function and that function is spelled out in the prior art.

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The elements claimed do no more than what one would expect if the steps described in the cited prior art were to be combined. “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *KSR Int'l v. Teleflex Inc.*, 127 S.Ct. 1727, 1739, 82 USPQ2d 1385, 1395 (2007). In that regard, Appellants have not shown that the claimed device yields an unexpected result.

#### E. Conclusion of Law

On the record before us, Appellants have failed to show that the Examiner erred in rejecting the claim 29 over the prior art.

#### *Claim 30*

Claim 30 reads as follows:

30. The program storage device of claim 29, wherein the method further comprises enabling communication between team members of a team and the playbook database via a server coupled to the playbook database and an intranet coupled to both the server and the team members, said team members having responsibility for said designing and implementing of said GP/AP system.

#### A. Issue

The issue is whether Appellants have shown that the Examiner erred in holding the prior art combination would have rendered the subject matter of claim 30 obvious to one of ordinary skill in the art at the time of the invention.

### B. Findings of Fact

The record supports the following findings of fact (FF) by a preponderance of the evidence.

#### 1. The Examiner found

“team member usage of the system is disclosed in column 7, line 38 [Gundewar] and templates are shown to be linked to all types of documents, instructions, flow charts, etc... including guidelines, templates, and sample templates as shown in figure 3 [Gundewar].

### C. Principles of Law

We incorporate herein the principles of law under the Principles of Law section for the rejection of claim 29 above.

### D. Analysis

Appellants’ arguments are unpersuasive in showing error in the Examiner’s findings.

Appellants disagree with the Examiner’s argument (FF 1) that “team member usage of the system is disclosed in column 7, line 38 and templates are shown to be linked to all types of documents, instructions, flow charts, etc. ... including guidelines, templates, and sample templates as shown in figure 3,” arguing that it only shows “that templates may be filled out online by team members, which is not a disclosure of: “said team members having responsibility for said designing and implementing of said GP/AP system”. Appeal Br. 17. As we understand it, Appellants are arguing that, while Gundewar may be disclosing team members *filling* out templates, it does not show team members having the *responsibility* of designing and implementing the GP/AP system. We are not persuaded by this argument.

Appellants fail to explain why a patentable distinction should attach to the claimed duty of responsibility for the team members. The claimed invention is a program storage device readable by a machine embodying a program of instructions to perform certain set forth in claims 29 and 30. We fail to see the patentable significance of a limitation describing team member responsibilities in the context of the claimed invention.

Appellants also argue that the Examiner's argument (see above paragraph) "does not demonstrate that Gundewar discloses: 'enabling communication between team members of a team and the playbook database via a server coupled to the playbook database and an intranet coupled to both the server and the team members.'" Appeal Br. 17. However, the argument does not proceed to explain why the team member usage disclosed in Gundewar would not suggest enabling communication between team members as claimed to one of ordinary skill in the art. In fact, Appellants provide no explanation to support the argument. *DeSilva v. DiLeonardi*, 181 F.3d 865, 867 (7th Cir. 1999) ("[An appeal] brief must make all arguments accessible to the judges, rather than ask them to play archaeologist with the record." *See also* (1) *Shiokawa v. Maienfisch*, 56 USPQ2d 1970, 1975 (Bd. Pat. App. & Int. 2000) and (2) *LeVeen v. Edwards*, 57 USPQ2d 1406, 1413 (Bd. Pat. App. & Int. 2000)).

We have addressed all of Appellants' arguments and find them unpersuasive as to find fault with the Examiner's characterization of the scope and content of the cited prior art.

E. Conclusion of Law

On the record before us, Appellants have failed to show that the Examiner erred in rejecting claim 30 over the prior art.

*Claim 31*

The Appeal Brief addresses the rejection as to claim 31 but argues in support of the patentability of claim 31 for the same reason used in support of the patentability of claim 30 (on which claim 31 depends). Appeal Br. 18. Since we have found that Appellant has failed to show that the Examiner erred in rejecting claim 30 under 35 U.S.C. § 103 over the cited prior art, we likewise find that Appellant has failed to show that the Examiner erred in rejecting claim 31 under 35 U.S.C. § 103 over the cited prior art.

Accordingly, on the record before us, Appellants have failed to show that the Examiner erred in rejecting claim 31 over the prior art.

*Claim 32*

Claim 32 reads as follows:

32. The program storage device of claim 29, wherein said generating and displaying the playbook summary view, said generating and displaying the summary task template, and said generating and displaying the detailed task template are utilized during performing at least one of:

designing the GP/AP system;

implementing the GP/AP system;

using the GP/AP system;

optimizing a solution for out-sourcing procurement of goods and services under the GP/AP system;

training service providers of services to the customer;

managing said service providers to assure quality of service from said service providers;

managing a project relating to the GP/AP system; and  
optimizing the GP/AP system, said optimizing GP/AP system  
being characterized by lower costs, a paperless process, and more  
comprehensive service with a shorter cycle time.

#### A. Issue

The issue is whether Appellants have shown that the Examiner erred in holding the prior art combination would have rendered the subject matter of claim 32 obvious to one of ordinary skill in the art at the time of the invention.

#### B. Findings of Fact

The record supports the following findings of fact (FF) by a preponderance of the evidence.

1. We incorporate herein the facts under the Findings of Fact section for the rejection of claim 29 above and add the following facts.
2. The Examiner found as follows:

The Examiner contends that Gundewar et al. teaches using the system for performing the design of a computer software project.

The Examiner contends that Gundewar et al. and Oka both teach or suggest using the system of Gundewar to perform the designing of a general procurement and accounts payable (GO/AP) system.

First the Examiner contends that the program of Gundewar et al. in effect does disclose program instructions capable of being executed to perform the design of computer software (see column 1 line 11) and therefore includes the development of a general procurement sand accounts payable system. Although Gundewar et al. does not expressly show the claimed system as being geared toward general procurement and accounts payable data these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The steps of

Gundewar et al. would be performed the same regardless of the data. Thus, this descriptive material does not distinguish the claimed invention from the prior art in terms of patentability [legal citations omitted].

Answer 15-16.

3. The Examiner further found

Second, the Examiner contends that Oka teaches that it is old and well known to provide software for accounting systems. It is commonly known that general procurement and accounts payable (GO/AP) systems are accounting systems. Oka discloses in the “Summary of the Invention” in column 1, that it is known in the art to provide programming instructions to develop systems for accounting in order to [develop] an accounting system. See details also under the “Description of the Related Art” in column 1.”

Answer 16.

C. Principles of Law

We incorporate herein the principles of law under the Principles of Law section for the rejection of claim 29 above.

D. Analysis

Appellants’ arguments are unpersuasive in showing error in the Examiner’s findings.

The Appeal Brief states that Appellants rely on the arguments made with respect to the patentability of claim 29. Appeal Br. 18. Since we have found that Appellant has failed to show that the Examiner erred in rejecting claim 29 under 35 U.S.C. § 103 over the cited prior art, we likewise find that Appellant has failed to show that the Examiner erred in rejecting claim 32 under 35 U.S.C. § 103 over the cited prior art.

The Appeal Brief also argues that the cited prior art

“does not teach or suggest the feature: “wherein said generating and displaying the playbook summary view, said generating and displaying the summary task template, and said generating and displaying the detailed task template are utilized during performing at least one of designing the GP/AP system; implementing the GP/AP system; using the GP/AP system; optimizing a solution for outsourcing procurement of goods and services under the GP/AP system; training service providers of services to the customer; managing said service providers to assure quality of service from said service providers; managing a project relating to the GP/AP system; and optimizing the GP/AP system, said optimized GP/AP system being characterized by lower costs, a paperless process, and more comprehensive service with a shorter cycle time.”

Appeal Br. 18-19. But the argument goes no further. Appellants provide no explanation to support the argument. *DeSilva v. DiLeonardi*, 181 F.3d 865, 867 (7th Cir. 1999) (“[An appeal] brief must make all arguments accessible to the judges, rather than ask them to play archaeologist with the record.”

*See also* (1) *Shiokawa v. Maienfisch*, 56 USPQ2d 1970, 1975 (Bd. Pat. App. & Int. 2000) and (2) *LeVeen v. Edwards*, 57 USPQ2d 1406, 1413 (Bd. Pat. App. & Int. 2000). This argument is therefore not persuasive as to error in the rejection.

Appellants also state that “Appellants note that the Examiner has not provided any argument to support the rejection of claim 32 under 35 U.S.C. §103(a).” Appeal Br. 19. We disagree. While the discussion in the Final Rejection does not contain a separate heading for claim 32, it provides extensive discussion of the claimed invention, covering the elements set forth in claim 32. Nonetheless, the Examiner does buttress that discussion with arguments in the Answer (FF 2 and 3) specifically directed to claim 32.

Appellants take issue with those arguments. Reply Brief 13-15.

Appellants argue that the feature in claim 32 of “using the GP/AP system” is “not nonfunctional descriptive material that is not functionally involved in the steps recited, as alleged by the Examiner. … In particular, using a general procurement and accounts payable (GP/AP) system requires steps that are specific to a general procurement and accounts payable (GP/AP) system.” Reply Brief 14-15. This argument is not persuasive because Appellants do not explain which features of the claimed device render it any different from that disclosed in Gundewar. Without more, an observation that the claimed system is a general procurement and accounts payable (GP/AP) system amounts to an argument for an intended use. As such, an intention to use the claimed device as a general procurement and accounts payable (GP/AP) system does not rise to that of a patentable distinction over Gundewar’s system.

Appellants also argue that the Examiner admitted that Gundewar was silent regarding the system being used for a GP/AP system and that Oka is insufficient to modify Gundewar to develop an accounting system via Gundewar’s invention. Reply Br. 15. We are unpersuaded by this argument as to error in the rejection because no further explanation is given as to why this argument should persuade the panel to reverse the rejection.

We have addressed all of Appellants’ arguments and find them unpersuasive as to find fault with the Examiner’s characterization of the scope and content of the cited prior art.

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E. Conclusion of Law

On the record before us, Appellants have failed to show that the Examiner erred in rejecting the claim 32 over the prior art.

**DECISION**

The decision of the Examiner rejecting claims 29-32 under 35 U.S.C. § 103(a) as being unpatentable over Gundewar in view of Oka, Examiner's Official Notice, and Microsoft Press Computer Dictionary is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

**AFFIRMED**

jlb

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